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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re L.T., et al., Persons Coming Under the
Juvenile Court Law.

LAKE COUNTY DEPARTMENT OF
SOCIAL SERVICES,

Plaintiff and Respondent,

v.

L.B.,

Defendant and Appellant.

A146363

(Lake County Super. Ct. Nos.
JV320431-A, JV320431-B)

Appellant LB (mother) and DT (presumed father) are the parents of twins LT and TT (the children). In May 2015, the Lake County Department of Social Services (the agency) filed a joint petition, alleging that the children, then 13 years old, should be declared dependents within the meaning of Welfare & Institutions Code¹ section 300, subdivisions (a) (serious physical harm), (b) (failure to protect), and (g) (no provision for support). Following a jurisdictional hearing, the petition's allegations were sustained as originally filed against mother (§ 300, subds. (a), (b)), and presumed father (§ 300, subds. (b), (g)). After a dispositional hearing on September 21, 2015, the juvenile court issued several orders: (1) two orders (one as to each child) appointing KF, mother's former live-in boyfriend, a de facto parent for the children; and (2) two orders (one as to each child),

¹ All further unspecified statutory references are to the Welfare and Institutions Code.

declaring the children dependents of the court, removing the children from mother's custody, placing the children in the agency's custody, and granting mother reunification services.² In her notice of appeal, mother states she is appealing from the jurisdictional and dispositional findings and orders. However, in her appellate briefs, she presents no arguments regarding those findings and orders. Instead, she limits her arguments to challenging the de facto parent orders. For the reasons we explain below, we shall dismiss mother's appeals from the jurisdictional and dispositional findings and orders, and her purported appeals from the de facto parent orders.

We conclude the appeals from the jurisdictional and dispositional findings and orders must be dismissed as abandoned. "A 'reviewing court has inherent power, on motion or its own motion, to dismiss an appeal which it cannot or should not hear and determine.' [Citation.] An appealed-from judgment or order is presumed correct. [Citation.] Hence, the appellant must make a challenge. In so doing, he must raise claims of reversible error or other defect [citation], and 'present argument and authority on each point made' [citations]. If he does not, he may, in the court's discretion, be deemed to have abandoned his appeal. [Citation.] In that event, it may order dismissal. [Citation.] Such a result is appropriate here." (*In re Sade C.* (1996) 13 Cal.4th 952, 994; see *In re Phoenix H.* (2009) 47 Cal.4th 835, 845 [" "[a]n appellate court cannot assume the task of discovering the error in a ruling and it is the duty of counsel by argument and the citation of authority to show the reasons why the rulings complained of are erroneous" ' "].) Because mother raises no error or other defect regarding the jurisdictional and dispositional findings and orders, we are " presented with no reason to proceed to the merits of any unraised 'points'—and, a fortiori, no reason to reverse or even modify the orders in question." (*In re Sade C.*, *supra*, at p. 994.)

² In its jurisdictional and dispositional orders, the court also found it would be detrimental to place the children with their noncustodial presumed father, and granted presumed father reunification services. The children's presumed father has not filed a notice of appeal.

We also conclude mother’s purported appeals from the de facto parent orders must be dismissed because we are without jurisdiction to review those orders. As noted, in the Judicial Council form notice of appeal filed by mother, she states she is appealing from the jurisdictional and dispositional findings and orders.³ Although the form notice of appeal allowed mother to so designate, she failed to mention the de facto parent orders, which were separately issued and appealable court orders, and not subsumed in the jurisdictional or dispositional findings and orders. “ ‘ “[W]here several judgments and/or orders occurring close in time are separately appealable . . . , each appealable judgment and order must be expressly specified—in either a single notice of appeal or multiple notices of appeal—in order to be reviewable on appeal.” ’ [Citations.] ” (*Filbin v. Fitzgerald* (2012) 211 Cal.App.4th 154, 173 (*Filbin*); see *Sole Energy Co. v. Petrominerals Corp.* (2005) 128 Cal.App.4th 212, 239 [“[a] notice of appeal from a judgment alone does not encompass other judgments and separately appealable orders”].) Mother acknowledges her notice of appeal did not specify the de facto parent orders. However, she contends her notice of appeal should be liberally construed to include all orders issued after the disposition hearing including the de facto parent orders, despite the fact that the de facto parent orders were not specifically listed in the notice of appeal. We cannot agree. “The policy of liberally construing a notice of appeal in favor of its sufficiency (Cal. Rules of Court, rule 8.100(a)(2)) does not apply if the notice is so specific [as in this case that] it cannot be read as reaching a judgment or order not mentioned at all. [Citations.]” (*Filbin, supra*, at p. 173.) Similarly, “[t]he rule favoring appealability in cases of ambiguity cannot apply where,” as in this case, the notice of appeal clearly indicates the appeal is from only the jurisdictional and dispositional findings and orders. (*Unilogic, Inc. v. Burroughs Corp.* (1992) 10 Cal.App.4th 612, 625.)

³ Specifically, the Judicial Council form filed by mother’s trial counsel indicated that mother was appealing “from the findings and orders of the court (specify date of order or describe order): [☐] Declaring minors’ dependents.” The form notice also indicated that “[t]he order appealed from was made under Welfare and Institutions Code section (check all that apply): [☐] Section 360 (declaration of dependency) . . . with review of section 300 jurisdictional findings”

Lastly, we see no merit to mother’s contention that the notice of appeal should be treated as a premature notice of appeal from the de facto parent orders. “A notice of appeal is premature if filed before the judgment is rendered or the order is made, but the reviewing court may treat the notice as filed immediately after the rendition of judgment or the making of the order.” (Cal. Rules of Court, rule 8.406(d).) Here, the de facto parent orders were issued *before* mother filed her notice of appeal, and therefore, treating the notice of appeal as a premature notice of appeal is inapplicable. Therefore, because mother did not separately appeal from the de facto parent orders, we cannot address her arguments concerning those orders. “The taking of an appeal is not merely a procedural step, but is jurisdictional, and where no appeal is taken from an appealable order, a reviewing court has no discretion to review its merits; the court must disregard all issues concerning the order on its own motion even if no objection has been made. [Citations.]” (*Berge v. International Harvester Co.* (1983) 142 Cal.App.3d 152, 158.)

DISPOSITION

The appeals from the jurisdictional and dispositional findings and orders are dismissed. The purported appeals from the de facto parent orders are dismissed.

Jenkins, J.

We concur:

Pollak, Acting P. J.

Siggins, J.

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